Meeting called to order at 9:02 a.m. by Chair Enell

**ROLL CALL**
Wayne Havens, Mahmoud Abdel-Monem, Mitchell Howard, Dean Enell, Mike Joselyn, Val Hillers, William Lippens

Planning staff present: Andrew Hicks – Long Range Planner, Troy Davis – Long Range Planner

**APPROVAL OF MINUTES**

November 15, 2011
Commissioner Lippens indicated a change was needed on page 14. Where it states Commissioner Lippens moved to amend the motion to say shall consider placing conservation restrictions, it should be changed to say “shall place conservations restrictions”.

Commissioner Hillers moved to approve the minutes as corrected, Commissioner Lippens seconded, motion carried unanimously.

**ITEMS FROM THE PUBLIC**

**Pam Neschke**, 5186 Honeymoon Road, Freeland
Stated she appreciated having a voice through the Planning Commission, she also indicated her appreciation for their volunteering to sit on the Commission.

Ms. Neschke stated her husband and herself were not allowed to vote in the recent Freeland Water & Sewer District elections because they are not served by the district and not in the district boundary; therefore she was unable to make her voice heard. She further stated she believed the Planning Commission was her voice to the Board of Island County Commissioners.

She felt Exhibit A appears on the surface to be modifying for language and internal inconsistencies, but thought the wording of the changes is wrong and unsuitable for approval.
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Page 5 in paragraph 3 states 2020 Freeland Plan is based on the premise that a sewer system will be developed to serve the Freeland NMUGA. This sentence should not be in the Island County Comprehensive Plan because it is not true.

Ms. Neschke addressed further concerns related to the infrastructure for the Freeland area and handed in a written list of all the problems she sees and her recommendations. She asked the Commission to reject the proposed changes and not recommend them to the Board.

NEW BUSINESS – public hearing

CPA 181/11 – Amendments to the Island County Comprehensive Plan including the Land Use, Housing, Natural Lands, Capital Facilities, and Transportation Elements in order to facilitate internal consistency between the Island County Comprehensive Plan and the 2010 Freeland Subarea Plan (FSAP).

Long Range Planner Troy Davis provided a brief outline of the proposed changes. The Growth Management Act requires that subarea plans are internally consistent with Comprehensive Plans. In 2007 the Land Use Element of the Freeland Subarea Plan was adopted, however changes were not made to the GMA Comprehensive Plan to accommodate the FSAP.

Earlier this year the Board of Island County Commissioners approved the Freeland Subarea Plan as a procedural step in being consistent with the GMA Comprehensive Plan. A number of changes have been identified throughout the Comp Plan that reference Freeland and need to be updated in order for the 2010 Freeland Subarea Plan to be consistent with the GMA plan. With the adoption of the 2010 Plan it was noted that the Transportation Element and the Capital Facilities Element were only place holders at this time until the Transportation data comes in and a financing plan for Freeland Sewers could be addressed.

At that time the 2010 Plan will again need updating in order to be complete. In the meantime we can make Island County GMA Comprehensive Plan compatible with the approved 2010 FSAP, which is what this amendment proposes to do.

Staff recommends that the Planning Commission make a motion to recommend approval of the proposed amendments to the Board of Commissioners.

Long Range Planner Andrew Hicks noted that down the road if there are any changes to the Non Municipal Urban Growth Area boundary with the incorporation of the Capital Facilities and the Transportation Elements, companion amendments may need to be made at that time as well to make internal consistencies with the Island County Comprehensive Plan and the adopted FSAP.

Commissioner Abdel-Monem asked for clarification that this amendment is to make the Comprehensive Plan consistent with what was already approved. The purpose was not to modify or change anything in the Freeland Subarea Plan.
Mr. Hicks verified that this was correct, new policies, laws or regulations are not being adopted by these amendments. The focus is on accomplishing consistency between the FSAP and the Comp Plan.

Mitchell Stricher, 5436 Pleasant View Lane, Freeland

The Planning Commission is being asked to pass on an ordinance that adopts changes to the Island County Comp Plan with the stipulation that it becomes effective at some later date based upon the cumulative impact of all changes to the Comp Plan. The Planning Commission is stating in item 7 of the Findings of Fact that it is making it consistent with the 2010 FSAP. In Item 8 states it becomes ineffective on the future date that the BICC adopts the 2011 Annual Review amendments to the Comp Plan.

What is driving the adoption is to reach compliance with the Growth Management Act. The Findings of Fact states there has not been compliance for a number of years. The public will easily find exceptions to the language of the amendments.

- His concerns related to the population numbers not being current with the 2010 census.
- Growth projections are based on out of date statistics.
- The Freeland Water and Sewer District is not or very soon will not be seeking grants. Or loans for the sewer project. There is no Capital Facilities Plan for sewers in Freeland.
- The GMA is an unsustainable driver of cost and Island County and specifically Freeland has been caught in an unfunded mandate.
- The GMA has no mandate to bankrupt a community. He referred the Commission to the Belfair fiasco. The Commission will continue to move planning efforts forward to the Board of County Commissioners as is mandated by GMA, but he hopes before recommending approval, the ability of a community to pay for all aspects of the effects of the plan to be thoroughly examined.

Commissioner Hillers ask Mr. Stricher to provide a written copy of his statement.

Rufus Rose, 6529 Four Sisters Lane, Clinton

Stated he doesn’t live in the Freeland area, but his daughter does and he is concerned. It’s important for the people in Freeland that the Planning Commissioners to understand the current status of Freeland and where it is going. It would be useful to tell the public.

The recommendations will be based on those understandings. He addressed his concern for the property contiguous to his daughter’s property, purchased by an extension of the Housing and Urban Development agency of the United States for the creation of low income housing. The plan calls for 26 units which would depend upon a sewer and municipal water. This project is waiting for a sewer system, which is a long way off if ever.

He thought any errors in the Plans should be addressed so that whatever consistency there is, is logical and real, not imagined. The reference to Belfair, Washington and the problems they have with the sewer system should be high on the Commissioners list.

Commissioner Havens asked Mr. Rose to explain.
Mr. Rose stated Belfair, WA was used by the engineer for the Freeland Water and Sewer District as the example to follow. If you were to Google Belfair Washington sewer, according to the news articles relating to Belfair the sewer which has been built, (phase 1) has been reported by the press to have driven commercial and residential people out of the area because they can’t afford it. Now there is a huge debt and a question of who will pick up the debt.

Further discussion of the Belfair sewer ensued.

**Marilynn Abrahamson,** 5518 Myrtle Ave., Freeland - Speaking as Commissioner Elect of the Freeland Water and Sewer District.

She wanted to address a few items that need attention related to text changes. She wanted the Commission to have some background first. Lou Malzone was also elected to the Freeland Water and Sewer District based on their combined platform of never inflicting the hardship that comes along with a sewer imposed by the resolution of three members of the Board of Commissioners of this water and sewer district. They plan to work with state legislators to influence and make changes to how a LID is formed and what huge impacts it can have on a community, all of which can be done by the simple vote of 2 out of 3 people on a board of commissioners of a public utility district in rural areas.

It is such a giant hurdle to protest the formation of an LID; you must get 40% of the owners to sign indicating they protest the formation of the LID. A LID has such an impact on the financial security of all of the property owners within the boundary of that district. Many absentee owners have never had their property hooked up to water and therefore do not know a LID has been formed, yet now they can be subject to fees.

Using this information in context with the document being presented today, she would like to argue in support of the idea that things have changed in Freeland, there will be no LID formed by resolution, it will have to come by 60% of the population. This is one thing that affects the Comp Plan. The current sewer plan is not viable and when they take office they will have to re-evaluate the entire plan. The 80 acres that was bought for a dispersal area is not feasible, there are so many obstacles, it would cost too much to make it usable and therefore they will probably need to look at selling it. Therefore she would like to propose the following text changes:

- Exhibit A page 10-66, where it states …and sewer district is currently working on obtaining funding for installing sewers. That is not correct, the LID never materialized, there are no loans or grants, and they will not be seeking any funding, there isn’t any to be had, that line needs to be deleted that is not true.
- Page 10-77 half way down the page … sewer planning for Freeland is currently underway. Not true, she stated she would like to see that line deleted. There is no sewer planning in Freeland currently underway.
- Page 10-105 currently the County is coordinating with the Freeland Water and Sewer District with regard to establishing a sewer system in Freeland. The Freeland Water and Sewer District is working on obtaining funding for the project. The County knows that there has been a change in leadership and that the entire Freeland Comprehensive Plan will be re-evaluated. She stated she would have to argue and they are not coordinating
with the Freeland Water and Sewer District. She asked these two lines be stricken from the document. She further stated she did not believe this would affect the effort to establish internal consistency and it does reflect accuracy.

Commissioner Havens asked about ground water permits. During a previous meeting in Freeland he brought up the subject of ground water permits and was told at that time they were working on getting ground water permits. He asked if Freeland has enough water now to service the area in question.

Ms. Abrahamson stated that the outgoing commissioners have actively put in applications for more water rights. It is a long term process. She currently does not know the answer to that.

Commissioner Havens stated that he knew for a fact that unless you have the ground water permit in hand, you don’t have the water to pump. He wasn’t able to get a definitive answer before and wanted to know if that issue had been solved.

Jeff Lauderdale, P.O. Box 100, Coupeville
Stated he would like to comment on the question about the availability of water. On the first page of Exhibit A, halfway down it says, though water is not an issue with the potential development of Freeland or Clinton. It says in your plan that water is not a problem, but his concern is that this is a process that has been going on for a long time and he is uneasy seeing these changes for consistency go through at a midpoint of a project with wrong statements in them.

He objects to a couple philosophical statements in the first chapter. It states that though water is not an issue to the potential development of Freeland or Clinton, septic systems do not last forever. He commented on Freeland’s history and arguments that failing septic systems were causing pollution in Holmes Harbor. He stated he thought the failed septic systems totals were about three and there is really no failing septic system issue in Freeland.

The pollution of Holmes Harbor cannot be pointed at failed septic systems and they’ve essentially thrown out that argument and have gone to other reasons why a sewer is needed. Mostly the Growth Management Act requires a sewer.

Mr. Lauderdale continued saying it states many portions of Freeland do not perk and without a public sewer are undevelopable and he didn’t believe that it is the responsibility of County government to make sure land is developable anywhere. It is up to developers to make their undevelopable property developable, not the taxpayers of Island County.

There has never been any proposal to provide stormwater drainage for the Freeland area and a sewer will bankrupt the town. He further stated his whole point was that when the Commission gives this a stamp of approval and passes it on to the Board, even though only small changes are being made for internal consistencies, it is validating every word in this document.
Rufus Rose
Ms. Abrahamson pointed out the difficulty of the LID; one thing she didn’t mention was that the citizens in the affected area had only 10 days to make comments, this is almost impossible to do. He also pointed out that the number of voters eligible to vote on the water and sewer district election was off by something like 300 voters out of 500 or 600. Approximately half of the voters that were eligible to vote were not identified by the district and did not get the ballot to vote.

Pam Neschke
Asked if there was an e-mail list for notification when something like this is happening, she found out by accident of the meeting today. If there is such a list she would like to be on that list.

Chair Enell closed the public comment portion of the meeting.

Planner Andrew Hicks stated there were many legitimate comments today and he felt it was in the Department and the Planning Commission’s best interest to consider those comments in detail. He anticipates it will require staff time to go over the comments in order to provide the Commission with a list of recommendations in response to these citizen’s comments.

Planner Troy Davis provided staff response to the following items:

- Mitch Stricher discussed Finding of Fact # 8. Mr. Davis stated he had made that change and failed to mention it in the presentation. It had been changed to state this ordinance only becomes effective on a future date, not ineffective. This was a change made in response to Commissioner Hillers comment on the documents.
- In regards to the population projections, those numbers are anticipated to be received from the State by March 31st. At that time re-evaluation of population growth will be done at a countywide level.
- In regards to Marilynn’s comments, he stated they believe in having truth and consistency. One thing that will need to be discussed and looked into is the 2010 Subarea Plan as approved contains some of that same language may still exist within the Freeland Subarea Plan. If that reality has changed as Marilynn has indicated it will need to be discussed with the Planning Department Director.

A notification list as Pam Neschke asked about was something a previous planner had used during the development of the Plan itself. It would need to be found and reassembled. This also will need to be discussed in further detail with the Director.

Chairman Enell stated that prior to this economic downturn there was substantial growth in Freeland, it was recognized when the County did their Comprehensive Plan in 1998 and designated Freeland and Clinton as potential Urban Growth Areas. Freeland did become a formal Non Municipal Urban Growth Area (NMUGA).

Changes to the Freeland Subarea Plan have also occurred; it has been worked on for approximately ten years. People have recognized that Freeland is a growing area and they would like the citizens to have some ability to choose what that area looks like, to have some say in
what direction that growth takes and that was the Freeland Subarea Plan. It has had a lot of work, a tremendous amount of public meetings. In light of the changes that have occurred in Freeland, the Comp Plan needs to be changed to thoughtfully reflect those things that have taken place.

Most testimony taken today is objection to the sewer. If you read the County documents in the Comp Plan and the FSAP it says that Freeland is a growing area and that to accommodate the population that an urban growth area should have, it would probably need to have a sewer. It says that sewer is being studied, it is being looked at, and it is being planned for at various stages throughout the years, which is true. What most people object to today is that prior to approximately a year and a half ago the Freeland sewer was a 5 phase plan aimed at the commercial core.

In order to get grant funding the major concern of funding agencies was the pollution in Holmes Harbor and wanted to see that problem resolved. Hence the 5 phase was reduced down to a 1 phase plan where they would tackle that residential area and hopefully clean up Holmes Harbor. That particular change cost much more than the initial phase program planned. Most of the comment today is opposed to that.

The County documents in both the GMA Plan and the FSAP as well as the NMUGA designation all references that a sewer is being worked on, it is being studied, it doesn’t give direction of what that sewer is to look like, how many phases it should have, it just states that over the years it has been studied and looked at, which is true.

Today’s proposed changes to the Comp Plan are supposed to reflect the two major changes that have occurred, the NMUGA and Subarea Comp Plan, so that document consistently reflects what has happened. He further stated that he didn’t see how the whole question of the sewer relates to what they are trying to do today.

Commissioner Hillers stated that she certainly needed to review the things that have been submitted and needed to wait for staff to review those and made suggestions as to how those changes could be incorporated into the document. She asked about this being a docket item.

A discussion relating to whether there was sufficient time to bring this to a staff session, complete the item with the Planning Commission and get it to the Board for approval resulted in confirmation that it was a very narrow window.

Commissioner Abdel-Monem asked if the changes needed to be made to the Freeland Subarea Plan.

Mr. Pederson replied that the Freeland Subarea Plan was adopted as a standalone element of the Comprehensive Plan; there are no further changes necessary at this time. The amendments proposed update the County Comprehensive Plan to be consistent with the Freeland Subarea Plan. There are still two elements of the FSAP that need to be completed. Those are the Transportation Element, which may or may not require amendments based upon the Regional Transportation Plan update program which is scheduled to wrap up in the calendar year 2012. That effort may result in amendments to both the County Comp Plan and the FSAP. The second
item is the Capital Facilities Element of the Freeland Subarea Plan. That element must identify the six year public funding sources for sewer and the twenty year planned money to serve the entire NMUGA. If that does not occur or those funds cannot be identified, the process does not come to fruition. Under Growth Management Act requirements RCW 36.70A, the County would be required to revisit the Freeland Subarea Plan Land Use Element to change it to reflect whatever the outcome of the Capital Facilities Element is.

It will be a docket item next year, as will any housekeeping updates to the Comp Plan.

Commissioner Abdel-Monem stated as he understood it, the Planning Commission could not make any changes to the Comp Plan that are not in the existing FSAP. They cannot create new language and relate it to the FSAP. The changes before the Commission are only to the Comp Plan, to reflect what is in the Freeland Subarea Plan.

Mr. Pederson confirmed that was exactly correct. No changes can be made today in the FSAP as adopted, that would need to come to the Commission as a separate process and it would come through as its own docket item. It will be on the docket next year as a carryover because of the ongoing efforts of the Transportation Plan and the Capital Facilities Plan.

Commissioner Hillers stated that there was testimony today about things that people feel are not correct about these amendments and substantial documents have been submitted which need further review. She stated she felt another Planning Commission meeting was needed to be scheduled after staff has had time to evaluate these comments.

Mr. Pederson replied there were several courses of action; this hearing could be continued, he would suggest looking at a special session date, they could pass it along and as part of their findings to the Board stating that the Commission had not addressed those concerns, but have asked staff to do that and present them to the Board, who could hold their own public hearing to make any changes they deem appropriate.

Recess

Mr. Pederson stating he had now had an opportunity to review the written comments submitted and stated in response:

Ms. Neschke’s first comment about page 5, “The 2010 Freeland Subarea Plan (FSAP) is based on the premise that a sewer system will be developed to serve the Freeland NMUGA.” the statement made in the document presented is a correct statement, except for the date, which is a typo and can be corrected. The Freeland Subarea Plan is based on the premise that a sewer system will be developed to serve the Freeland NMUGA, it is a true statement. The GMA requires that you plan for urban services in a NMUGA. The next comment, the last paragraph it is also a correct statement, what the wording says is that Freeland has public water and sewer districts with the authority to provide sewer services within the Freeland NMUGA, not that there is an existing sewer system.

The third comment about page 8, section titled South Whidbey, why is that section needed? Some of the population growth on South Whidbey will be absorbed in the rural
areas of the county too, but that’s not stated so specifically. Omit it.” he replied that the text is from the existing Comprehensive Plan. That language is correct; some of the population growth on South Whidbey will be absorbed into the Freeland NMUGA; that is a very accurate statement.

Currently we don’t have specific Freeland population numbers, in the next Comp Plan amendment those will be a major item. In the Comprehensive Plan as it exists today, including the most recently adopted CPA 155/04, from the 2005 update shows the population and NMUGA boundaries, the Freeland population is reflected in the overall totals for South Whidbey Island.

Page 10 “If both . . . (Freeland and Clinton) were to... “Why is this needed?” this is simply reflecting language showing that Freeland is now in a NMUGA. When the Comp Plan was adopted this language was discussion of what would happen should Freeland and Clinton become NMUGA’s; it would change the rural/urban split in population in Island County, it would go from the current 70/30 and would start to trend towards 50/50, which is more in line with the goals of GMA. It is a correct statement if both were to become NMUGA’s.

The second statement made of Ms. Neschke’s regarding page 10, “It is anticipated that a Freeland NMUGA designation will be before the Planning Commission... in 2007.” That sentence could be reworded to say Freeland was designated a NMUGA in 2008, which is the correct date upon which that occurred.

Page 21, a comment about housing, nothing about that language in the Comprehensive Plan was supposed to be changed. The only change there was to reflect that Freeland is now a Non Municipal Urban Growth Area. The rest of that language was not proposed to be discussed, that is a separate Annual Review Docket item, requiring a separate Comprehensive Plan Amendment. This was on the 2009 Annual Review Docket and was not carried forward to do resource constraints.

Comment # 6 refers to Page 23, the population figures cannot be updated in this document. GMA requires that the population projections be included and done in concert with the other incorporated municipalities on the island. These numbers reflect the recently adopted 2005 Comp Plan update.

Page 24, “the Note at the bottom of the page does not make sense as rewritten” the entire note could be stricken. This section will be updated in the Transportation Element in 2012.

Page 29, a sewer study comment; the statement in the document is an accurate statement. There was a sewer study done for Freeland in 2005 and it is an accurate statement that as an official item of business, Freeland Water and Sewer District is still working on the issue of funding for a sewer. There is a committee that was advising and there still is an adopted Comprehensive Sewer Plan for Freeland. At such time as Freeland Water and
Sewer District chooses to take a different path and amends that Plan or rescinds that Plan it is a record and the statement would be correct.

Commissioner Howard asked if there was anything that required the second half of that sentence to be included, since there is a strong comment about this change.

Mr. Pederson stated we cannot at this point make a change based on presumed future actions.

Commissioner Lippens stated he thought the question was why it is necessary to have the sentence in.

Mr. Pederson replied to be accurate it needs to be kept in. To be internally consistent, the designation of NMUGA requires planning for urban levels of infrastructure, including sewer. There is an adopted plan for sewer in Freeland.

Commissioner Hillers stated she would be much more comfortable if it stated the Freeland Water District has worked on obtaining funding.

Mr. Pederson stated that was fine; it was also an accurate statement.

Chair Enell suggested the statement be modified to include: that from (whatever the beginning year was) into 2011 a substantial effort has been made to develop a sewer system.

Director Pederson replied that that too would work.

Page 31, Mr. Pederson stated the Department had not been able to find a signed copy of the Plan and that he has tasked staff to confirm with Public Works who prepared the Drainage Plan for 2005 and either strike the word draft or leave it once it gets to the Board level and Public Works confirms the final document. The Department does know there was a Drainage Plan done.

Commissioner Hillers suggested that at the end of that section on page 31 would be an appropriate place to put Commissioner Enell’s statement about sewer planning beginning on (inserting the date) and continue through 2011.

Mr. Pederson continued regarding the comment on page 34, stating that the Department is coordinating with the Freeland Water & Sewer District and will continue to do so until changes are made.

Chair Enell turned to the Commission for discussion.

Chair Enell began by stating that what was before the Commission was changes to the Comp Plan that reflect what has happened in recent years, the declaration of Freeland as a NMUGA and the adoption of some elements of the Freeland Subarea Plan. A lot of people are contesting the sewer plan, but he believed the proper time to discuss that would be when the Capital Facilities Plan of the FSAP is addressed.
Commissioner Hillers stated she felt more comfortable with the changes made during the meeting.

*Commissioner Abdel-Monem moved to approve Exhibit A including the changes that were discussed, Commission Joselyn seconded the motion.*

Commissioner Lippens stated he wasn’t completely sure of the exact changes and what was being approved. He wanted this to be clear for all.

Mr. Pederson replied the changes included:

- The language as discussed by Commissioner Hillers was that “A sewer study was for Freeland was completed in 2005 and the Freeland Water & Sewer District has worked on obtaining funding for installing sewers through 2011.” This would replace the language that indicated it was currently being worked on. In future amendments if there was a change of course the new language would reflect whatever transpires in the future from Freeland Water & Sewer District and Freeland as a whole. The stated language would occur on page 29, 31, and 34.
- Another change read into the record was located on page 10. The Commission indicated they were all confident of that change.
- Deletion of note on page 24.

Commissioner Lippens indicated this satisfied his concern.

Chairman Enell asked if there was further discussion, hearing none he called for a vote.

*Motion was approved unanimously.*

*Commissioner Hillers moved to approve the amended Findings of Fact, Commissioner Lippens seconded, motion carried unanimously.*

*Commissioner Hillers moved to adjourn, Commissioner Joselyn seconded, motion carried unanimously.*

Meeting adjourned at 11:55 p.m.

Respectfully submitted,

Paula Bradshaw